

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090591

04/19/2016

COMMISSIONER RICHARD J. HINZ

CLERK OF THE COURT
P. Odell
Deputy

IN RE THE MATTER OF
DIANE RUGGIERO

NORMAN M KATZ

AND

MATTEO RUGGIERO

MATTEO RUGGIERO
NO ADDRESS ON RECORD

MATTHEW RUGGIERO
6635 N 183RD AVE
WADDELL AZ 85355

ORDER OF PROTECTION HEARING
ORDER OF PROTECTION AFFIRMED

Courtroom 305-SEF

1:37 p.m. This is the time set for hearing regarding the Order of Protection issued on February 12, 2016, on behalf of Diane Ruggiero and against Matteo Ruggiero. Plaintiff, Diane Ruggiero (Plaintiff), is present and represented by above-named counsel. Defendant, Matteo Ruggiero (Defendant), is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to the commencement of today's hearing, Plaintiff, Defendant, and Debbie Stanley were sworn.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090591

04/19/2016

Upon request of counsel for Plaintiff, the Court will take judicial notice of the prior Orders of Protection issued on behalf of Plaintiff and upheld after hearing.

Counsel for Plaintiff invokes the Rule of Exclusion of Witnesses. The potential witness is instructed as to the Rule and exits the courtroom.

Plaintiff's case:

Plaintiff, having previously been sworn, now testifies.

Plaintiff's Exhibits 1-3 are marked for identification.

Plaintiff testifies further.

Plaintiff's Exhibit 1 is received in evidence.

Plaintiff testifies further.

Plaintiff's Exhibit 2 is received in evidence.

Plaintiff's Exhibit 3 is received in evidence.

Plaintiff testifies further.

LET THE RECORD REFLECT the Court reviews, in open Court, a cell phone recording presented by Plaintiff.

Plaintiff testifies further.

Plaintiff rests.

Defendant's case:

Defendant, having previously been sworn, reads his statement in open Court.

With regard to the Defendant's witness,

THE COURT FINDS the testimony would not be helpful. Therefore, the Court will not hear testimony from Defendant's witness.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090591

04/19/2016

Defendant rests.

Based on the matters presented herein, for reasons set forth on the record,

THE COURT FINDS by a preponderance of the evidence there is reasonable cause to believe that the Defendant has committed an act of domestic violence against Plaintiff within the last year or may commit an act of domestic violence in the future.

THE COURT FURTHER FINDS good cause exists to continue the Order of Protection in this case.

IT IS ORDERED that the Order of Protection issued at Superior Court on February 12, 2016, shall remain in full force and effect.

Defendant is advised that communication between the parties is solely limited to the children.

Counsel for Plaintiff requests his reasonable attorney's fees associated with this matter. Defendant objects and states that he is unemployed and living on social security benefits.

Given that this is the fourth Order of Protection issued against Defendant,

THE COURT FINDS the request for attorney's fees is reasonable. Accordingly, counsel for Plaintiff shall submit all necessary and appropriate documentation to support an application for an award of attorney fees, limited to three hours, including a *China Doll* Affidavit and a form of order. The Court shall determine the award and enter judgment upon review of the Affidavit. The Court will allow Defendant one year to repay said judgment.

The Court informs Father that if he seeks to enforce or modify the current parenting time orders, he may file the appropriate petition with the assigned family court judge in the parties' family court case; subsequently, the Court will set a hearing to address said issue.

The Court further informs the Defendant that the Brady Law will apply and the Defendant will be prohibited from possessing or purchasing firearms or ammunition until the Order expires one year after the service of the original Order.

ISSUED: Hearing Order; Notice to Sheriff of Positive Brady Indicator

LET THE RECORD REFLECT the parties receive a copy of the aforementioned documents in open court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090591

04/19/2016

2:47 p.m. Matter concludes.

LATER: The Hearing Order and Notice to Sheriff of Positive Brady Indicator are faxed to MCSO-OIC by the above-named deputy clerk.

FILED: Hearing Order
Notice to Sheriff of Positive Brady Indicator

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.